

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JOHNNIE AULT, Individually and as)	
Special Administrator of the Estate of)	
BRYAN W. AULT, Deceased,)	
)	
Plaintiff,)	No. 3:12-cv-00833-JPG-PMF
)	
v.)	
)	
SCHLUMBERGER, LTD, <i>et al.</i>)	
)	
Defendants.)	

PLAINTIFFS REQUEST FOR DISMISSAL OF ACTION

Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, Plaintiff hereby requests this Honorable Court dismiss this action in its entirety without prejudice, each party bearing their own costs and fees and upon other such terms this Court considers proper.

Specifically, Plaintiff requests dismissal without prejudice pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure. Rule 41(a)(2) permits a plaintiff to request the dismissal of an action without prejudice “only by court order, on terms that the court considers proper.” Fed. R. Civ. P. 41(a)(2).

Rule 41(a)(2) further states that “[i]f a defendant has pleaded a counterclaim before being served with the plaintiff's motion to dismiss, the action may be dismissed over the defendant's objection only if the counterclaim can remain pending for independent adjudication.” Fed. R. Civ. P. 41(a)(2). However, no counterclaims have been filed by any Defendant in this action to date.

Dated: March 27, 2013

Respectfully Submitted,

GORI, JULIAN & ASSOCIATES, P.C.

By: /s/ D. Todd Mathews

Randy L. Gori, #06257394
D. Todd Mathews, #6276652
156 N. Main St.
Edwardsville, IL 62025
(618) 659-9833
(618) 659-9834 (facsimile)

WILLIAMS, KHERKHER, HART, BOUNDAS L.L.P

Attorneys for Plaintiff
8441 Gulf Freeway, Suite 600
Houston, TX 77017-5051
(713) 230-2200
(713) 643-6226 (facsimile)

Attorneys for Plaintiff Johnnie Ault

CERTIFICATE OF SERVICE

I hereby certify that on March 27, 2013 the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon all counsel of record.

/s/ D. Todd Mathews
D. Todd Mathews